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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUL 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)
Amendment of Part 90 of the)
Commission's Rules to Adopt)
Regulations for Automatic Vehicle)
Monitoring Systems)

PR Docket No. 93-61
RM 8013

REPLY COMMENTS

OF

METRICOM, INC.

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SUMMARY

After reviewing the record in this proceeding, Metricom, Inc. ("Metricom") demonstrates in these Reply Comments that its original position urging the Commission to abandon the proposal to significantly expand existing Automatic Vehicle Monitoring ("AVM") service is a valid position, supported by the record and the public interest.

These Reply Comments illustrate that the overwhelming number of commenters in this proceeding do not favor the creation of a Location Monitoring Service ("LMS") as proposed by the Commission. The LMS, as proposed, with its antiquated and spectrum inefficient operations and its de facto exclusive licensing, amounts to a spectrum grab of unprecedented proportions by the proponents of the service. Contrary to the proposed LMS operations, the current environment in the 902-928 MHz frequency band fosters the efficient use of spectrum by encouraging numerous users to operate cooperatively in a competitive environment.

The reason that Part 15 operators oppose the creation of the LMS is simply because LMS operations, as proposed, and existing Part 15 902-928 MHz services cannot operate in the same band. Therefore, if the Commission's proposal is adopted, Part 15 operations could be potentially eliminated from this spectrum, just after the Commission has made a number of policy decisions encouraging the development of Part 15 services in this area, and without record support for such action. Yet, the proponents of LMS

simply ignore Part 15 concerns, erroneously and casually dismissing them as not being affected by the proposal.

If the Commission is not persuaded by the majority of comments filed in this proceeding and decides to go forward with its proposal despite the record evidence, it must, at the very least, establish the service pursuant to equipment standards and operating parameters which would enable other services, especially Part 15, 902-928 MHz spread spectrum services, to simultaneously operate in the band. In this light, Metricom supports the proposal to establish a Joint Committee to investigate the feasibility of coexistence for LMS and Part 15 this band; however, before any such committee is established, the Commission must clearly recognize the right of Part 15 users to continue operations in this band. Absent this recognition, the committee's work would be meaningless.

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Metricom, Inc. ("Metricom"), by its attorneys, pursuant to Section 1.415 (c) of the Commission's rules, hereby respectfully submits its Reply Comments to those comments filed pursuant to the invitation extended in the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding (the "Notice").

I. INTRODUCTION AND OVERVIEW OF THE COMMENTS.

1. Metricom is a California-based company which has invested significant sums of money, time and energy to develop, manufacture and market sophisticated Part 15 radio frequency transmitter and receiver systems. Metricom wireless data communications networks have already been sold to 14 electric utilities, some of which are among the largest in the nation. Other such networks have been or will be installed this year by a major railroad, water treatment facilities and other industries.

2. Metricom's position in this proceeding, as articulated in its Comments, is that the Commission should abandon its proposal to significantly expand the wide-band AVM service, and that the status quo should, therefore, be maintained. In the alternative, Metricom

submitted that if the Commission deems it is in the public interest to establish LMS, the service must be implemented only pursuant to equipment standards and operating parameters which would enable other services, especially Part 15 services, to operate in the 902-928 MHz band without harmful interference being caused to or from LMS.^{1/}

3. Support for the Commission's proposals contained in the Notice is minimal and the strongest support comes, not surprisingly, from only two entities--North American Teletrac and Location Technologies, Inc. ("Teletrac") and MobileVision.^{2/} It is no wonder that Teletrac and MobileVision are so enamored of the Notices' proposal. Teletrac and MobileVision are currently licensed at well over a thousand total sites for the two 8 MHz bands proposed in the Notice in all of the largest 50 metropolitan areas in the country and most other metropolitan areas. Adoption

4. It is indisputable that the overwhelming number of commenters in this proceeding do not favor creation of LMS as envisioned in the Notice. Likewise, virtually every commenter (excepting, of course, Teletrac, MobileVision, Teletrac's two customers and Location Services) is against any type of exclusive licensing scheme.

5. Teletrac's Comments again confirm that its system cannot share the 902-928 MHz band with other users and that its technology is very fragile.^{4/} Creation of an LMS as supported by Teletrac and MobileVision may result in Part 15 devices, operating at 902-928 MHz, being inoperable in those areas where a Teletrac-type LMS system is operational.^{5/} Furthermore, while Part 15 devices are operational, any Teletrac-type system that is also operational in the same area may experience intolerable interference from such Part 15 devices. Metricom does not understand how such a scenario could possibly be in the public interest.

6. Alternatively, forcing Part 15 devices to migrate to the subbands or center band (902-904, 912-918, and 926-928 MHz), which would be allocated to narrowband LMS services under the proposed

^{4/} Comments of Teletrac at p. 24 et seq.

^{5/} Comments of Recoton at p. 3 (The proposed 300 watt ERP "would almost certainly impair operation of this [Part 15] system to the point where it is not useable . . . even the "permitted" out-of-band emissions would not only interfere, but may even saturate a typical Part 15 receiver - rendering it totally useless"); Comments of the Part 15 Coalition at p. 11 (LMS "will cause an unreasonable level of electromagnetic interference to both unlicensed Part 15 and licensed AVM systems."); Comments of the Alarm Industry Communications Committee at p. 7 ("the widespread proliferation of Teletrac operations could virtually shut down alarm industry use of wireless alarm links.")

rules, would also create an intolerable situation. These allocations are not sufficient to accommodate the deployment of all narrowband LMS and Part 15 devices.^{6/} In addition, techniques designed to share spectrum with other users could not be employed effectively in such a restrictive environment.^{7/} Many Part 15 operators could be forced out of business, consumers could lose benefits they currently enjoy, and the public interest will not be served.

II. THE RECORD DOES NOT JUSTIFY CREATION OF LMS.

7. The record in this proceeding amply demonstrates that the Commission has made a number of policy decisions to encourage sharing of the 902-928 MHz band.^{8/} It is axiomatic that the

^{6/} Comments of ITRON at pp. 4-5 ("high-powered, narrowband LMS systems. . . cannot share frequencies with low-power Part 15

Commission, having made such policy decisions, cannot change those decisions in order to create an LMS which cannot share the 902-928 MHz band before compiling a record which justifies changing those decisions.^{9/} The record in this proceeding cannot be reasonably read as providing the Commission with either the justification necessary to: (i) change those decisions; or, (ii) disrupt (if not devastate) the entire Part 15 industry.^{10/}

8. The fact of the paucity of the record regarding Part 15 and amateur issues is indisputable. Teletrac and MobileVision have virtually ignored Part 15 and amateur operations in their comments, acting as though Part 15 and amateur operations do not exist in the 902-928 MHz band.

9. Teletrac's Comments devote only a few sentences to Part 15 issues and virtually no sentences to amateur issues. Teletrac's assertion that it can coexist with Part 15 operations is simply not true^{11/} and is at odds with: (i) Teletrac's Petition at pp. 24-32 (which describes the fragility of its technology and its technology's inability to share this spectrum); and, (ii)

^{9/} Motor Vehicle Manufacturing v. State Farm, 463 U.S. 29, 42; Greater Boston Television v. FCC, 444 F.2d 841, 852; Eagle-

MobileVision's Comments, which want Part 15 devices restricted to frequencies reserved for narrowband LMS systems in order to avoid interference with wideband LMS systems.

10. Footnote 13 of Teletrac's Comments states that its system was designed "with Part 15 equipment in mind, and we believe that our system will continue to operate reliably [notwithstanding the presence of Part 15 devices in this band]." The footnote goes on to point out that the increase in "noise" caused by Part 15 devices, when compared to the increase caused by narrowband systems, is quite small. Teletrac concludes that Part 15 devices are, therefore, not a problem to its system, but narrowband systems are. Teletrac is simply ignoring reality. There have already been events of interference to Teletrac's system from Part 15 devices and Teletrac has only a skeletal system in place.^{12/} What will happen when Teletrac constructs its entire system? Once Teletrac constructs systems beyond the six markets in which it is currently

^{12/} Letter from Henry L. Razor, Teletrac Network Engineer, to Mr. George Martin, Sherwin Williams Co. which was attached to Cylink Corporation's "late filed" Comments in this proceeding, submitted February 8, 1993, notifying this Cylink customer that Cylink's certified Part 15 device was causing interference to Teletrac's system. As to Teletrac's skeletal system, Teletrac has operations in only six markets (See Teletrac Application for Freeze, Czermer Affidavit, para.2). See, also Comments of ITRON at p. 5, n. 3 ("while installing a meter reading system, ITRON became aware of another company's Part 15 device that was interfering with the Teletrac system miles away (emphasis added)."); Comments of Metricom at Appendix A demonstrates that, in the best of circumstances, a Part 15 spread spectrum device may cause interference within an 8.2-mile radius. In the worst of circumstances, interference could be caused within a 104-mile radius.

operating, Teletrac will receive more interference from Part 15 devices, not less.^{13/}

11. Teletrac's footnote 13 goes on to state: "Most Part 15 devices are consumer products used in places less likely to be near LMS receivers." While Metricom is prepared to admit that there are many 902-928 MHz Part 15 devices that are consumer devices, Metricom is not prepared to admit that "most" are. Certainly, the Part 15 products about which Metricom is concerned are not exclusively consumer devices.^{14/}

12. Furthermore, Teletrac cites nothing to support its assertions that most Part 15 devices are consumer devices and most are used in places less likely to be near LMS receivers. Paragraph 14 of Metricom's Comments articulates a very plausible scenario in which Teletrac, in order to mitigate interference from Part 15 devices, increases the number of receiver sites in its attempt to reduce interference to its LMS system. Increasing the number of

^{13/} See Comments of TIA/Mobile and Personal Communications at p. 1 ("Even a modest penetration of low power Part 15 devices could easily render [the Teletrac system] inoperable"); Comments of Sensormatic Electronics at p. 18 ("These [LMS] systems would face harmful interference from Part 15 devices regardless of whether the Commission decided to further restrict Part 15 devices.")

^{14/} Examples of other Part 15 devices that do not fit this category are security systems, meter reading devices, wireless LAN devices, environmental monitoring devices, intelligent vehicle highway system devices, airborne and marine collision avoidance systems.

receiver sites, however, will undoubtedly increase their proximity to Part 15 devices, contrary to Teletrac's assertion.^{15/}

13. Teletrac's Footnote 13 also states, again with no support, that "many Part 15 devices are used indoors, so that building walls reduce outdoor emissions levels." While many Part 15 devices may be used indoors,^{16/} a significant number of these devices, like Metricom's equipment and a whole host of other 902-928 MHz Part 15 devices, are used outdoors. Similarly, with the better quality and range of communications from new digital cordless telephones, they, too, will be used outdoors more frequently.

14. Teletrac's footnote 13 also makes the unsupported claim that most Part 15 devices are used at "ground-level" which, in Teletrac's mind, is supposed to minimize interference from such devices to LMS systems. Teletrac offers the Commission no clue as to how it comes by such knowledge nor does Teletrac tell the Commission exactly what it means by the term "ground-level." Metricom's devices are typically mounted above ground on utility poles (30 to 50 feet above the ground) and in many cases at building-top and mountain-top communications sites. Teletrac's general statement seems to ignore existing metropolitan area

^{15/} For an articulation of the problem caused by the proximity of LMS receivers to the huge installed base of Part 15 devices from the point of view of a manufacturer of Part 15 devices, see, Comments of Recoton at pp. 3 and 4.

^{16/} It should be noted that 900 MHz attenuation due to construction materials in residential buildings is fairly low.

communications networks that make use of "above ground" Part 15 equipment which are growing, and which will populate many of the major metropolitan areas in the not too distant future. In Southern California alone, the anticipated number of pole-top mounted Part 15 radios will exceed 10,000 in the near future. Obviously, this creates a significant potential for interference.^{17/}

15. Footnote 13 also states that Teletrac believes that use of 902-928 MHz band by Part 15 users will not grow indefinitely because, at some point, Part 15 users will interfere with each other. This point, says Teletrac, will occur "at noise power levels that are lower than levels that would disable Teletrac receivers." Again, Teletrac offers no support for its belief. Besides being unproven, Teletrac's statement is counter-intuitive, particularly given the outstanding engineering characteristics of the highly robust Part 15 equipment and systems currently populating the band, generally, and Metricom's highly robust Part 15 products, in particular.

16. Teletrac's assertion demonstrates a misunderstanding of the very robust spread spectrum systems incorporating technologies such as narrow band frequency hopping. In a narrow band frequency hopping system, the statistical probability of one radio interfering with another is quite low. And, most importantly, the potential range of interference is reduced by the fact that Part 15 systems, such as Metricom's, do not fail at a hard level or "point"

^{17/} See Metricom Comments at Appendix A.

of system failure. If two radio signals happen to collide with one another in frequency and time (which would be very rare due to the hundreds of channels available across the entire 902 to 928 MHz band), the transmitters will simply retry on another randomly chosen frequency in the band and continue to move traffic. Frequency hopping spread spectrum systems also gracefully degrade as traffic increases; the range of coverage will reduce gradually around any given radio, but data will not be lost. In the face of even huge amounts of traffic (or for that matter, interference from other systems), the data will simply take slightly longer to move across the network. The system still works, and there is no "point" of hard failure. This is precisely why the military has been using spread spectrum systems for years. The extremely high robustness and reliability of a narrow band frequency hopping system means that many simultaneous systems can be on the air in the same coverage area and operate with flawless data integrity.^{18/}

17. This type of frequency hopping spread system operation is no doubt typical of what the Commission had in mind when it allocated the ISM bands at 902-928 MHz for spread spectrum operations. While any number of Part 15 operators can coexist in this band because of the type operations involved, the vulnerable, wideband systems proposed by Teletrac will be significantly

^{18/} Metricom typically tests its radio systems by placing several logically distinct networks on the air at the same time within the same coverage area. Hundreds of radio units are operated within a radius of less than 100 feet with no affect on the operation of the separate networks.

affected by this type of operation. Metricom can easily understand (due to the fragility of wideband AVM technology) why Teletrac would want to have exclusive access to wide portions of the 902 to 928 MHz band. The Teletrac system cannot survive without such an unfair and antiquated approach to spectrum allocation. It appears that Teletrac does not wish to efficiently utilize the spectrum with state-of-the-art technology; Teletrac would rather have the Commission grant exclusive use of spectrum for inefficient use of a valuable natural resource.

18. MobileVision's Comments are likewise very sparse when it comes to enlightening the Commission about Part 15 and amateur issues. MobileVision's major contribution in this regard is to request the Commission to restrict all Part 15 operations to frequencies reserved for narrowband LMS systems.^{19/} This is no solution. The power levels at which narrowband LMS operates are usually much higher than necessary. A concentration of these signals at the same place in the band will have a devastating impact on Part 15 operations located in that part of the band.^{20/}

19. The record compiled thus far in this proceeding shows a lack of demand for AVM/LMS. Teletrac has operations in only six markets, though it has held hundreds of authorizations since 1989.^{21/} Moreover, Teletrac is using only 4 of the 8 MHz for

^{19/} Comments of MobileVision, p. 45.

^{20/} Comments of Norand Corporation, p. 10 and n. 20.

^{21/} Teletrac Application for Freeze, Czerner Affidavit, para.

22. Metricom agrees with AT&T's Comments that Teletrac's system does "not meet the statutory standards for: improving spectrum efficiency; increasing sharing between different types of users; fostering competition; and serving the largest number of users. These systems use much more spectrum than is necessary for the intended purpose."^{24/} Teletrac's Comments at page 24 et seq. establish that Teletrac's system cannot share spectrum with other services.^{25/} Teletrac's Comments at page 46 also establish that Teletrac's system requires exclusive licenses and does not favor the promotion of competition by means of non-exclusive licenses to LMS providers. Metricom also agrees that: "Spectral inefficiency and the absence of competition show that pulse-ranging systems do not meet the statutory requirement of increasing the number of possible users of the band."^{26/}

23. In contrast, the current environment in the 902-928 MHz band fosters efficient use of spectrum by encouraging numerous users to operate in a competitive environment.^{27/} Users in this band thrive on this flexible environment to advance state-of-the-art technology that is able to co-exist and compete effectively to

^{24/} Comments of AT&T at p. 2. SCE also agrees with the Comments of NATA at 12 ("If those attempting to gain permanent authorization for wideband AVM/LMS services have kept pace with the advances in technology, they should be able to provide service at a much narrower bandwidth than the 8 MHz initially authorized.")

^{25/} Id. at p. 4.

^{26/} Id. at p. 5.

^{27/} Comments of Metricom at para. 9 (the 902-928 MHz band "is inherently a shared band already occupied by a plethora of useful services with substantially more to come in the future.")

serve a growing market demand. Displacing the current users with the proposed allocation scheme will represent a sharp departure from the statutory goals that are currently being pursued in the band.

24. In sum, Teletrac-type LMS systems do not meet the statutory requirements of Section 332 of the Communications Act and, therefore, should not be granted permanent authorization. Since granting such permanent authorization is in contravention of the requirements of Section 332, it is questionable whether such authorization could withstand judicial scrutiny.

IV. THE PROPOSALS IN THE NOTICE REPRESENT A REVERSAL OF LONG-STANDING COMMISSION POLICY.

25. The Notice's proposals to render Part 15 devices ineffective in the 902-928 MHz band constitute a complete reversal of long-standing Commission policy upon which many have relied. Such action is an abandonment of the position the Commission took and told Part 15 manufacturers and users that the Commission intended to take with regard to Part 15 operations at 902-928 MHz. Metricom never had any warning, nor could it have reasonably foreseen, that just a few years after encouraging Part 15 development in the 902-928 MHz band, the FCC would propose to greatly expand the scope of permissible activities within the band to accommodate the widespread deployment of a technology that can only function in an extremely quiet RF environment. This is not equitable.

26. The Commission should acknowledge the substantial investment by Metricom and its customers in Part 15 devices, as well as the large public interest to be served by Part 15 devices.^{28/} Metricom has a right to expect that any change in the rules affecting the operation of Part 15 devices will be based on reasoned decision making. Making Part 15 devices less useful after years of Commission encouragement, in order to provide a service of questionable utility for which there is questionable demand, does not constitute reasoned decision making.

27. It must be painfully obvious to the Commission that the Notice's proposals would cause extraordinary harm to those who use and benefit from Part 15 devices. These proposals, if adopted, could cause the loss of tens of thousands of jobs, severely injure the businesses of many Part 15 manufacturers and cost Part 15 users billions of dollars in wasted investment.^{29/} For example, the

^{28/} For example, Southern California Edison Company's Comments at paragraph 24 note the enormous energy savings and reductions in monthly electric utility bills that result from the use of its Part 15 wireless data communications network.

^{29/} See e.g. Comments of the Part 15 Coalition at p. 2 ("These [Part 15] manufacturers have invested over nearly 2 billion dollars); Comments of Sensormatic Electronics at p. 29 ("it would cause the loss of tens of thousands of jobs, damage the businesses of many Part 15 manufacturers, and cost their customers billions of dollars in wasted investment."); Comments of Proxim at p. 1 ("The investment to date at Proxim is in the tens of millions of dollars."); Comments of Symbol Technologies at p. 3 ("Symbol has invested more than \$83 million in the development of Spectrum One systems and terminals since 1990"); Comments of Telxon at p. 3 ("In 1992 alone, users spent approximately 39 million dollars on wireless LANs and the market could approach 700 million by 1996"); Comments of ITRON at p. 1 (ITRON "has sold over 4 million meter transponders . . . of which over 2 million already are installed); Comments of Cobra Electronics at n. 1 ("It is estimated that in
(continued...)

Comments of Southern California Edison Company noted that its ratepayers would be unable to recover their stranded investment in a communications network, which was undertaken as a result of the California PUC's encouragement to invest in Part 15 technology research and development, whose major component is Part 15 packet radios.^{30/} Therefore, Metricom encourages the Commission to be just as concerned about preserving past investment in the Part 15 industry as it apparently is about encouraging future investment in the LMS industry.^{31/}

28. The Commission can not reverse its policies regarding Part 15 operations without conducting a comprehensive analysis of the major benefits to businesses and consumers provided by Part 15 devices. There is nothing in the Notice which would cause a record to be compiled that would produce such a comprehensive analysis. It is even more difficult to comprehend how the Commission could propose to reverse its historic policies regarding Part 15 devices in favor of a technology that is not unique and that is so inefficient.

^{29/} (...continued)
1994 total industry sales of 900 MHz cordless telephones will reach 150 million.")

^{30/} Comments of Southern California Edison Company, para 11.

^{31/} See, Comments of the Part 15 Coalition at p. 16 ("Four major manufacturers of cordless phones have announced plans to produce 900 MHz cordless phones.")

29. There are other systems which do what Teletrac's system does; however, they do it better.^{32/} For example, Teletrac's system cannot locate vehicles (or anything else) in rural areas because there are no receivers in rural areas.^{33/} GPS does not have this problem. As noted by Southwestern Bell Mobile Systems, Inc.: "Teletrac's apparent reluctance to invest further in its own technology (See Czermer Affidavit) reflects not current market conditions, but Teletrac's concern about buying a seemingly inefficient technology for operation in a shared spectrum environment."^{34/}

^{32/} See e.g., Comments of AT&T at p. 3 (AT&T compares the Teletrac system to a GPS system in place in Dallas); Comments of SpectraLink at p. 4 (SpectraLink points out that Trimble Navigation of Sunnyvale, CA combines GPS with cellular or trunked radio transmitters to offer a location service); Comments of the Part 15 Coalition at p. 15 ("Several vendors described location and messaging systems based on various transmission media e.g. satellite networks, FM subcarrier networks, cellular networks, and SMR networks.")

^{33/} See Comments of Thomson Consumer Electronics at p. 4 ("Rural areas are unlikely to be covered by a pulse-ranging system since the cost of placing sufficient number of base stations would be prohibitive.")

^{34/} Informal Comments of Southwestern Bell Mobile Systems, Inc., n. 13.

V. TELETRAC'S SYSTEM CANNOT EXIST IN A SHARED SPECTRUM ENVIRONMENT.

30. Since Teletrac's Comments confirm that Teletrac's system cannot exist in a shared spectrum environment,^{35/} it should return its licenses. FCC Rule Section 90.173(b) requires Teletrac to cooperate in the sharing of spectrum and in seeking mutually satisfactory solutions with co-channel licensees. Other users of this band have managed to design their systems and equipment in a robust manner to accommodate sharing in this band; Teletrac should do likewise or vacate the band.

31. Most of Teletrac's problem in this regard results from the fact that Teletrac has a highly sensitive receiver design. The automatic gain circuitry of Teletrac's receiver will detect any radio signal and decrease its sensitivity to strong signals (so that strong signals will not distort the system's location information) and increase its sensitivity to weak signals (so that the weak signals will be amplified). As a consequence, the mere presence of a radio device operating in the 902-928 MHz band, even if it does not cause what is usually considered to be "harmful interference," will be detected by Teletrac's highly sensitive receiver.^{36/}

^{35/} Comments of Teletrac at p. 24 et seq.

^{36/} What is also painfully obvious is how simple it would be to ~~completely defeat a wideband NVM system such as Teletrac's and~~

32. The solution, if the Commission is determined to authorize a Teletrac-type LMS, is to clear the band of all other users, including Part 15 users. The problem is that the Commission cannot clear the band of Part 15 users because Part 15 devices are

because of prior Commission policies encouraging the development of Part 15 devices in the 902-928 MHz band and the overwhelming success of those policies. This is a practical, not a legal, problem that the Commission must solve if it is to permit LMS in the 902-928 MHz band in the manner proposed in the Notice.

VI. THE COMMISSION SHOULD ADOPT THE JOINT COMMITTEE PROPOSAL OFFERED BY SEVERAL COMMENTERS.

35. Metricom supports the establishment of a Joint Committee as proposed by several commenters.^{40/} However, it must be emphasized that the establishment of any Joint Committee must be premised on the assumption that Part 15 devices have some rights to operate at 902-928 MHz. Absent this premise, negotiations would be a waste of time since Teletrac would have no incentive to negotiate a settlement or establish rules which will permit Part 15 operations in this band. Such a premise would not constitute a substantial revision of the Commission's historic view of Part 15 devices nor a drastic change in the hierarchical structure of users

^{39/} (...continued)

Rules to Allocate Spectrum for Wind Profiler Radar Systems. Radian apparently believes that Part 15 operators, because they do not believe that the band can be cleared of Part 15 devices, are attempting to transform themselves from an unlicensed to a licensed service which is not required to share the band. This is a misunderstanding of the position of Part 15 operators and manufacturers who have raised this point. As noted above, these Part 15 operators and manufacturers are merely attempting to point out a practical problem the Commission must deal with if it wants to implement LMS in the 902-928 MHz band. They are not claiming a new legal status.

^{40/} See e.g., Comments of the Part 15 Coalition at p. 12; Comments of SpectraLink at 5; Comments of Uniplex at 6; Comments of Sensormatic at p. 24-25.

in the 902-928 MHz band. It would, however, constitute a departure from current policy which would certainly serve the public interest. The adoption of such a premise, and any recommendation by such a Joint Committee, would simply allow Part 15 operations to coexist, if possible, with other operations in the band, pursuant to equipment standards and operating parameters, in a majority of circumstances.

36. Because this policy issue is a departure from current policy, it must be squarely addressed by the Commission before a Joint Committee is chartered. There is no reason to initiate such deliberations if the relationship between AVM/LMS operators and Part 15 operators is to be one in which the AVM/LMS operators can force Part 15 operations to cease without any consideration whatsoever.

VII. CONCLUSION.

37. Metricom submits that the Commission should abandon the proposal in the Notice and maintain the status quo because the proposal is contrary to the public interest and the comments filed in this proceeding are woefully inadequate to justify altering the Commission's policies toward Part 15 devices operating in the 902-928 MHz band. The abandonment of the proposal would serve the public interest and allow the continued, competitive use of the 902-928 MHz band, utilizing state-of-the-art technology capable of coexisting and serving a growing demand for services.